

**NAVAJO COUNTY
ORDINANCE NO. 07-07**

(Revised September 18, 2007)

JUSTICE COURT ADMINISTRATION FEES ORDINANCE

An Ordinance adopted pursuant to A.R.S 11-251.08(A), establishing certain administrative fees for the Justice Court in Navajo County in order to defray Court automation costs, costs associated with issuing and processing Failure to Appear warrants, and costs association with collecting civil traffic sanctions in case of default.

SECTION 1: AUTHORITY / PURPOSE / JURISDICTION / TITLE

- 1.1 Authority.** Navajo County is authorized by Section 11-251.08(A) of the Arizona Revised Statutes to adopt fee schedules for specific products and services the county provides to the public. In Arizona Attorney General Opinion No. I95-63 (December 18, 1995), the Attorney General determined that A.R.S 11-251.08(A) authorizes the Board of Supervisors to "establish fees for any specific products or services that the county provides to the public and to direct Justice Courts to collect any established court-related fees."
- 1.2 Purpose.** It is the purpose of this ordinance to establish an administrative fee schedule whereby Navajo County may defray the actual costs of services provided by the Justice Courts in three subject areas where these costs are a burden to the taxpayers and should be borne by those individuals responsible for them: costs of issuing and executing Failure to Appear ("FTA") warrants; and costs of collecting sanctions and notifying the Motor Vehicle Department in civil traffic cases where the defendant defaults in payment.
- 1.3 Jurisdiction.** This ordinance shall apply to all Justice Courts in Navajo County.
- 1.4 Title.** This ordinance shall be known as the Navajo County Court Administrative Fees Ordinance.

SECTION 2: FEE TO DEFRAY COURT AUTOMATION COSTS

- 2.1 Basis for Court Automation Fee.** The Justice Court in Navajo County and the Navajo County Superior Court have established a coordinated plan for the automation of cases and cash-flow management. The Board of Supervisors has entered into an agreement with the Administrative Office of the Arizona Supreme Court to reimburse a prorated share of the costs associated with the annual maintenance and support of automation equipment and programs. The Court Administrator has performed an analysis of the number of cases closed in the Justice Court and the Superior Court, as well as the annual cost of court automation, and has determined that a fee of \$6.00 per case is required to help defray the actual cost of court automation. For criminal and civil traffic matters, this fee shall be imposed for each violation charged, regardless of whether multiple violations are charged on a single citation form and regardless of whether multiple charges are

assigned a single case number by the Court.

- 2.2 Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of \$6.00 per case (or per violation charged, in the case of criminal and civil traffic matters) to be collected in cases filed in the Justice Courts. This fee shall be collected at the time of filing of each civil action filed by a private plaintiff; as part of the fines, fees and surcharges imposed in each criminal action resulting in a conviction; and as part of the civil sanction, fees and assessments in each civil traffic action in which judgment is entered in favor of the state. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace. All such fees shall be deposited monthly with the Navajo County Treasurer and held in a separate account for the sole purpose of defraying costs associated with the annual maintenance and support of court automation equipment and programs. This fee shall be in addition to any other fees adopted by the Board of Supervisors.
- 2.3 Annual Review.** The fee imposed by Section 2.2 shall be reviewed by the Court Administration to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the maintenance and support of court automation equipment and programs. If appropriate, the Court Administration shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 3: FEE TO DEFRAY COSTS ASSOCIATED WITH FTA WARRANTS

- 3.1 Basis for FTA Warrants Fee.** The Justice Court in Navajo County and the Navajo County Superior Court incur substantial costs in criminal (including criminal traffic) cases where the defendant fails to appear and an FTA warrant must be issued and processed. These costs are incurred by the Court and the Sheriff's Office. The Court Administrator has performed an analysis of these costs and has determined that they are approximately \$150.00 per case.
- 3.2 FTA Warrant Fee.** Based in the analysis of the Court Administration, there is hereby imposed an administrative fee of \$150.00 per case to be collected in criminal cases filed in the Justice Courts in which an FTA warrant is issued. This fee shall be imposed in each criminal case in which an FTA warrant is issued. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace, or in cases where the FTA warrant is quashed for good cause shown and the Justice of the Peace determines that a waiver is appropriate. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with the issuance and processing of FTA warrants by the Justice Courts and the Sheriff's Office. The fee shall be in addition to any other fee adopted by the Board of Supervisors.
- 3.3 Annual Review.** The fee imposed by Section 3.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the issuance and processing of FTA warrants. If

appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 4: FEE TO DEFRAY COST ASSOCIATED WITH CIVIL TRAFFIC DEFAULTS

- 4.1 Basis for Civil Traffic Default Fee.** The Justice Courts in Navajo County incur substantial costs in civil traffic cases where the defendant defaults in the payment of a civil sanction and the Court must take steps to collect the sanction and notify the Motor Vehicle Department pursuant to A.R.S 28-1080. The Court Administrator has performed an analysis of these costs and has determined that they are approximately \$30.00 per case.
- 4.2 Civil Traffic Default Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of \$30.00 per case to be collected in civil traffic cases filed in the Justice Courts where the defendant defaults in the payment of a civil sanction. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying cost associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department pursuant to A.R.S. 28-1080. This fee shall be in addition to any other fees adopted by the Board of Supervisors.
- 4.3 Annual Review.** The fee imposed by Section 4.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual cost associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department. If appropriate, the Court Administrator shall recommend an upward and downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 5: FEE TO DEFRAY COST ASSOCIATED WITH PARTICIPATION IN DEPARTMENT OF REVENUES LIABILITY SETOFF PROGRAMS

- 5.1 Basis for setoff Program Participation fee.** A.R.S. 42-1122 authorizes the Arizona Department of Revenue to establish a liability setoff program whereby a taxpayer's income tax refund may be withheld to satisfy a debt owed to a court, including a Justice Court. The Department of Revenue imposed a participation fee of \$9.00 for each item submitted to the setoff program.
- 5.2 Setoff Program Participation Fee.** In order to defray the cost of participation by the Justice Courts in the liability setoff program established by the Arizona Department of Revenue, there is hereby imposed an administrative fee of \$9.00 for each item submitted. This fee shall be imposed in each Justice Court case in which a submission is made to the setoff program in order to collect a debt owed to the Court and shall be payable by the party who owes the debt. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs

associated with participating in the setoff program. This fee shall be in addition to any other fees adopted by the Board of Supervisors.

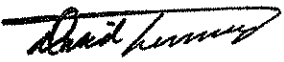
- 5.3 Automatic Increase or Decrease.** The fee imposed by Section 5.2 shall automatically increase or decrease with any corresponding increase or decrease in the participation fee charged to the Justice Courts by the Arizona Department of Revenue.

SECTION 6: SEVERABILITY

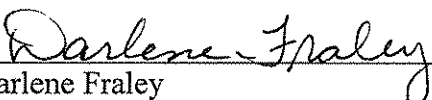
- 6.** If any fee imposed herein is determined by a court of competent jurisdiction to be unenforceable in whole or part, other fees imposed herein shall not be affected and shall remain fully enforceable.

SO ORDAINED by the Navajo County Board of Supervisors at Holbrook, Arizona on September 18, 2007.

NAVAJO COUNTY BOARD OF SUPERVISORS

By 
David Tenney
Chairman of the Board of Supervisors

ATTEST:


Darlene Fraley
Clerk of the Board of Supervisors